

JOHN WILLARD DIXON

IBLA 77-30 Decided December 20, 1976

Appeal from a decision of the New Mexico State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease offer NM 28461.

Affirmed.

1. Oil and Gas Leases: Applications: Generally--Oil and Gas Leases: Applications: Drawings

A simultaneous oil and gas lease offer is properly rejected where the drawing entry card is not signed or dated.

APPEARANCES: John Willard Dixon, pro se.

OPINION BY ADMINISTRATIVE JUDGE RITVO

John Willard Dixon has appealed from a decision of the New Mexico State Office, Bureau of Land Management, dated October 1, 1976, rejecting his oil and gas lease offer NM 28461 filed on a drawing card for Parcel NM 817 of the June 1976 list of lands available for simultaneous oil and gas filings. The offer was drawn number one at the drawing held on July 12, 1976. The offer was rejected because Dixon failed to sign and date the entry card as required by 43 CFR 3112.2-1, citing this Board's decision in Herbert W. Schollmeyer, 25 IBLA 393 (1976).

Appellant states that he did not forget to sign the entry card because he thought his name on the front of the card was enough, and that he did write the date "6/25/76" on the front of the card. He further argues, in substance, that there is sufficient extraneous information available to remove any doubt that he is the offeror for the designated parcel.

[1] Regulation 43 CFR 3112.2-1(a) requires that a drawing entry card must be "signed and fully executed" by the applicant. This Board

has held that this requirement is mandatory and that a card either unsigned or undated must be rejected. Herbert W. Schollmeyer, *supra*; John R. Mimick, 25 IBLA 107 (1976); Thomas Buckman, 23 IBLA 21 (1975).

Appellant misunderstands the drawing procedure and the reasons for strict compliance with the requirement that the drawing entry card be signed and fully executed. The drawing is merely to determine which offer will be first considered for a specific parcel of land. The drawing of an offer for a noncompetitive oil and gas lease in the simultaneous filing procedure creates no vested right in the offeror. Amy H. Hanthorn, 25 IBLA 369, 371 (1976).

The Board has consistently held that even minor deviations and omissions in the information required on a drawing entry card are sufficient to warrant rejection of the offer. Raymond F. Kaiser, 27 IBLA 373 (1976) (omission of the zip code from applicant's address on card); Helen E. Ferris, 26 IBLA 382 (1976) (omission of the day of the month from the date); Gerald C. Calhoun, 27 IBLA 362 (1976) (failure to include the state in which the lands are located); Ray Flamm, 24 IBLA 10 (1976) (post-dating the card).

The signing and proper dating of the card is a certification of all of the statements made on the card pertaining to the applicant's qualifications to obtain an oil and gas lease as of a particular time, *e.g.*, the statement that the offeror's interests in oil and gas leases do not exceed the acreage limit, and whether or not he is the sole party in interest in the lease offer (if there are other parties in interest, additional information must be furnished as required by 43 CFR 3102.7). *See Helen E. Ferris*, *supra* at 382; Ray Flamm, *supra* at 11; Thomas Buckman, *supra* at 22. The requirement for signing and fully executing the entry card is not for the purpose of merely identifying the particular applicant.

Accordingly, the rejection of the entry card was proper.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Martin Ritvo
Administrative Judge

We concur:

Newton Frishberg
Chief Administrative Judge

Joseph W. Goss
Administrative Judge

